

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Application of)	
)	
)	
Miami Air International, Inc.)	Docket OST-2022-
)	
for a certificate of public convenience and)	
necessity pursuant to 49 U.S.C. § 41102)	
(interstate charter passenger air transportation))	
)	

**MOTION OF MIAMI AIR INTERNATIONAL, INC.
FOR CONFIDENTIAL TREATMENT UNDER 14 C.F.R. § 302.12**

Pursuant to Rule 12 of the Department of Transportation’s Rules of Practice (14 C.F.R. §302.12), Miami Air International, Inc. (“Miami Air”) hereby requests that the Department withhold from public disclosure the entire contents of Exhibit MA-14 to its Application for a Certificate of Public Convenience and Necessity filed concurrently with this motion for confidential treatment. An unredacted copy of Exhibit MA-14 is being submitted under seal in an envelope labeled “Confidential Treatment Requested Under 14 C.F.R. § 302.12.”

Miami Air’s balance sheet includes a credit facility in the amount of \$7.5 million from Republic Commercial Fund LLC of Miami. That loan, in turn, is secured by the personal financial assets of Mr. Thomas Romero, President of the Board of Directors of Miami Air and its Chief Executive Officer. Exhibit MA-14 consists of Mr. Romero’s personal financial statement and third party verification of funds in support of that loan. The financial information included in Exhibit MA-14 therefore contains confidential

personal information of the type for which confidential treatment is generally granted by the Department.¹

In support of this request, Miami Air submits the following:

1. To facilitate the expeditious processing of its Application for a Certificate of Public Convenience and Necessity, Miami Air has submitted information required by the Department under 14 C.F.R. § 211.20. The financial information contained in Exhibit MA-14 to Miami Air's certificate application is protected from public disclosure under the Freedom of Information Act ("FOIA"), including Exemption 4, U.S.C. § 552(b)(4).

2. Exemption 4 protects from public disclosure information that is "(1) commercial or financial, (2) obtained from a person outside the government, and (3) privileged or confidential." Gulf & Western Indus., Inc. v. United States, 615 F.2d 527, 529 (D.C. Cir. 1980) (citations omitted). Information is privileged or confidential if "disclosure of the information is likely to have either of the following effects: (1) impair the Government's ability to obtain necessary information; or (2) cause substantial harm to the competitive position of the person from whom the information was obtained" (National Parks and Conservation Association v. Morton, 498 F.2d 765, 770 (D.C. Cir. 1974)). Privileged or confidential information is also not the type that is usually released to the public (Gulf & Western Indus., Inc. v. United States, 615 F.2d 527, 530 (D.C. Cir. 1979)). The financial information contained in Exhibit MA-14 satisfies this

¹ U.S. Dep't of Transp., Air Carrier Fitness Division, How to Become a Certificated Air Carrier, (Sep. 2012) ("Information for which confidential treatment will generally be granted includes ... financial statements of individuals or entities (other than parent and/or sister companies) providing funding to the applicant..").

standard. The information was obtained from Mr. Romero, an individual, which meets the definition of “person” outside of government. Further, the information is financial in nature and is confidential because as a private citizen, Mr. Romero does not publish his personal financial information, that information is not of the type normally released to the public, and Mr. Romero could suffer personal financial harm if the information contained in Exhibit MA-14 was publicly disclosed.

3. The granting of Miami Air’s motion would be consistent with Department precedent in other similar cases, where the Department has granted airline motions for confidential treatment seeking to withhold from public disclosure similar personal financial information. See Application of Altius Aviation, LLC for Commuter Air Carrier Authority, Letter from Lauralyn J. Remo, Chief, Air Carrier Fitness Division to Altius Aviation, LLC, May 15, 2015 (DOT-OST-2015-0064) (where DOT granted confidential treatment to a personal financial statement belonging to an individual majority shareholder, noting “that public disclosure of such information could potentially harm the individual from whom the information was obtained. Moreover, it has been the Department’s practice to grant confidentiality to such personal financial documents...”); see *also* Application of PM Air, LLC for Section 41102 Certificate Authority, Letter from William Bertram, Chief, Air Carrier Fitness Division to PM Air, LLC, July 8, 2005 (DOT-OST-2005-20363); Maxjet Airways, Inc., Order 2005-9-26 at 7 & n. 12. Accordingly, this financial information should also be granted confidential treatment.

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WHEREFORE, for the foregoing reasons, Miami Air requests that the Department withhold from public disclosure the confidential information of Exhibit MA-14 that Miami Air has filed under seal, and grant such other and further relief as the Department deems necessary and appropriate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Rachel Welford".

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Dated: May 13, 2022

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Motion by electronic mail upon the following:

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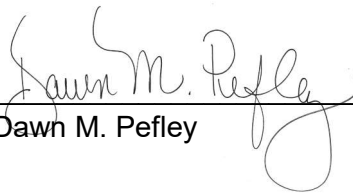
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Dated: May 13, 2022